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In re Application of :
Hashimoto et al. :
Application No.: 10/579,670 : COMMUNICATION
PCT No.: PCT/JP2004/016422 :
Int. Filing Date: 11 May 2004 :
Priority Date: 19 November 2003 :
Attorney's Docket No.: 201487/1180 :
For: BIOSENSOR HAVING SOIL MICROORGANISM :
HOUSED THEREIN AND USE THEREOF :

This communication is in response to the "REQUEST FOR CORRECTED FILING RECEIPT" filed 19 September 2007. No fee is due.

BACKGROUND

On 11 May 2004, applicant filed international application PCT/JP2004/016422 which claimed priority to a Japanese application filed 19 November 2003. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 19 May 2006.

On 18 May 2006, applicants filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, an Application Data Sheet (ADS), and unsigned declaration and an English language translation. Applicant failed to include the basic national fee of \$300 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/579,670.

On 19 May 2006, the application became abandoned for failure to pay the basic national fee.

On 01 February 2007, applicant filed a petition to revive, a copy of the declaration signed by both inventors and the search fee, the examination fee, and the basic national fee of \$300 as required by 35 U.S.C. 371(c).

On 02 February 2007, a petition decision was mailed to applicant indicating that the petition to revive had been granted.

On 21 March 2007, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF ACCEPTANCE UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903), along with the "FILING RECEIPT." The claim to the Japanese priority document was not included on the "FILING RECEIPT."

On 19 September 2007, applicant filed a "REQUEST FOR CORRECTED FILING RECEIPT," requesting that the foreign priority claim to the Japanese application be placed on the "FILING RECEIPT."

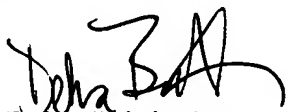
DISCUSSION

A review of the application finds that applicant's claim to the Japanese priority application was included on the publication of the international application. Further, the claim to the Japanese application was included on the signed declaration papers filed on 01 February 2007. Applicant's claim was also included on the ADS filed with the originally filed application papers. (It should be noted that the language "us-priority-not-claimed" was inserted next to the Japanese priority claim. However, since this claim is not to a US priority document, this language does not affect the Japanese priority claim.) Therefore, the request for a new "FILING RECEIPT," including the claim to priority to the Japanese application is hereby granted.

CONCLUSION

The "REQUEST FOR CORRECTED FILING RECEIPT" filed 01 February 2007 is hereby GRANTED.

The application is being returned to the United States Designated Office for issuance of a corrected "FILING RECEIPT" that includes the claim of foreign priority to the Japanese application filed 19 November 2003.



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